

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Bryant Lane

v.

Civil No. 10-cv-225-LM

Saint Anselm College, et al.

O R D E R

On today's date, a preliminary pretrial conference was held in this case. The following attorneys appeared: Kurt S. Olson for plaintiff, and Robert C. Dewhirst and Elizabeth Hurley for defendants. The court approves the parties' Proposed Discovery Plan (Doc. No. 28) with the following amendments:

Interrogatories: The parties shall be entitled to propound no more than 30 interrogatories (by each party to any other party).

Requests for Admission: The parties shall be entitled to propound no more than 30 requests for admission (by each party to any other party).

Depositions: A maximum of 10 depositions by plaintiff and a maximum of 10 depositions total by defendants.

Count II of the complaint alleges violations of a Massachusetts law, but it is undisputed that all alleged events in the case took place in New Hampshire. Attorney Olson stated that the plaintiff intended to file a motion seeking voluntary dismissal of Count II. The court dismisses Count II.

The court expressed concerns with respect to the factual and legal basis for the remaining counts. The court gives the plaintiff

21 days to amend the complaint to cure the obvious defects (e.g., sufficient allegations to support the remaining counts, consistent with the plausibility standard set forth in Ashcroft v. Iqbal, 129 S. Ct. 1937, 1954 (2009); allegations to support an award of damages; allegations that tie the Saint Anselm College defendants to any of the remaining counts; paragraphs 31 and 32 of Count III appear immaterial and subject to being stricken under Rule 12(f)).

A further pretrial conference shall be held on November 30, 2010, at 10:00 a.m.



Landya B. McCafferty
United States Magistrate Judge

Date: October 15, 2010

cc: Robert H. Carp, Esq.
Robert C. Dewhirst, Esq.
Elizabeth L. Hurley, Esq.
Kurt S. Olson, Esq.